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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/786,041	05/14/2001	Jose Manuel Alguera Gallego	FMW-EE-PCT-U	6842

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HUDAK, SHUNK & FARINE, CO., L.P.A.  
2020 FRONT STREET  
SUITE 307  
CUYAHOGA FALLS, OH 44221

EXAMINER

MARSH, STEVEN M

ART UNIT

PAPER NUMBER

3632

DATE MAILED: 07/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/786,041

Applicant(s)

ALGUERA GALLEG0 ET AL

Examiner

Steven M Marsh

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period of Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-9 and 13 is/are rejected.
- 7) ☒ Claim(s) 2 and 10-12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 23 October 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### **DETAILED ACTION**

This is the third office action for U.S. Application 09/786,041 for a Supporting Device filed by Jose Manuel Alguera Gallego et al. on May 14, 2001.

#### ***Drawings***

The corrected or substitute drawings were received on October 23, 2002. These drawings are acceptable.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 5 recites the limitation "the bracing rib" in line 3 of the claim. There is insufficient antecedent basis for this limitation in the claim. Claim 6 recites the limitation "the plate" in line 3 and "the bracing rib" in line 4. There is insufficient antecedent basis for this limitation in the claim. Claim 7 recites the limitation "the plate" in line 3. There is insufficient antecedent basis for this limitation in the claim. Claim 8 recites the limitation "the circumferential rib" in line 6. There is insufficient antecedent basis for this limitation in the claim. Claim 9 is dependent upon claim 8.

***Allowabl Subject Matter***

Claim 2 and 10-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 8 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action. Claim 9 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art does not disclose a supporting device for semi-trailers with an outer sleeve, a spindle for a telescopic inner sleeve, and a foot receiving device for attaching a support foot, whereby the foot receiving device is connected to a bottom end of the inner sleeve and comprises component that occludes the inner sleeve, an opening for the spindle penetration, and an opening for the spindle penetration, and whereby at least one bracing element at a top or bottom end, and two opposing bearing points adapted to accommodate the support foot, and wherein the bracing element is arranged within the sleeve; a circumferential bearing rib engages the inner sleeve in a forced fit, is arranged on the top of the plate, and forms a bottom part that constitutes a cover at the bottom of the circumferential rib; or the component comprises a vertically arranged tube whose outside diameter is less than or equal to the inside diameter of the inner sleeve in at least one section.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-7, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,462,612 to Dreyer et al. Dreyer et al. discloses a supporting device for semi-trailers with an outer sleeve (1), a spindle (4) for receiving a telescopic inner sleeve (2), and a foot receiving device for attaching a support foot (10) connected to the bottom of the inner sleeve. The foot receiving device includes a component that occludes the inner sleeve (11, 12, and 14) with an opening for the spindle, a bracing element (15 and part between) at its bottom end and located around an opening, and two opposing bearing points (points where 12 and 10 meet) adapted to accommodate the support foot. The bracing element extends between the bearing points and includes ribs with a curved shape. The component has a plate (or cover 11) and there is a section of the plate located outside of the bracing rib.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 6,513,783 B1 to Alguera Gallego et al.

U.S. Patent 3,666,290 to Dalton et al.

U.S. Patent 4,824,136 to Bobby

U.S. Patent 4,863,184 to Mena

U.S. Patent 6,164,697 to Riggs

U.S. Patent 5,054,805 to Hungerink et al.

The above patents disclose various types of devices for holding elongate objects.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is (703) 305-0098. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone

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number is (703) 308-2168. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3597.

*Shm*

Steven M. Marsh

July 14, 2003

*Anita King*  
ANITA KING  
PRIMARY EXAMINER